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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

In re:
 USA CAPITAL FIRST TRUST DEED FUND,
 LLC,
 Debtor.

**EX PARTE APPLICATION FOR
 ORDER APPROVING
 EXAMINATION OF HMA SALES,
 LLC PURSUANT TO FED. R. BANKR.
 P. 2004**

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

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Pursuant to Fed. R. Bank. P. 2004, USA Commercial Mortgage Company, USA Securities, LLC, USA Capital Realty Advisors, LLC, USA Capital Diversified Trust Deed Fund, LLC, and USA Capital First Trust Deed Fund, LLC (collectively, the “Debtors”), by and through their counsel, hereby apply for an order directing HMA Sales, LLC (“HMA”), to be examined under oath in relation to the following:

1. The incorporation of HMA and its past and present business operations.
2. The past and present management structure of HMA.
3. The past and present relationship between any of the Debtors and HMA.
4. The capitalization of HMA, including whether any capital contributions came from funds of any of the Debtors.
5. All obligations owing to or from the Debtors and HMA or any of their affiliates.
6. All transfers of any real or personal property to or from the Debtors and HMA or any of their affiliates.
7. The assets of HMA.
8. The liabilities of HMA.
9. The creditors of HMA.
10. Any and all projects or loans in which any of the Debtors and HMA both have an interest.
11. Any other matter that may affect the administration of the Debtors’ estates.

Fed. R. Bank. P. 2004(a) provides that “[o]n motion of any party in interest, the court may order the examination of any entity.”

Local Rule 2004 provides, in pertinent part, the following:

- (b) Order for examination. Orders for examination may be signed by the clerk if the date set for examination is more than ten (10) business days from the date such motion is filed....

As set forth above, the date for the proposed examination is more than ten (10) business days from the date of this Application. Accordingly, Debtors respectfully request that the Clerk of the Court docket the Order for Examination of HMA pursuant to Fed. R. Bank. P. 2004 submitted

1 herewith.

2 WHEREFORE, Debtors respectfully request that this Honorable Court direct HMA to
3 appear through its representative designated in accordance with Fed. R. Civ. P 30(b)(6) on
4 December 13, 2006 at 1:30 o'clock p.m. at the Debtors' business offices located at 4484 South
5 Pecos Road, Las Vegas, Nevada 89121, and continuing thereafter until completed.

6 Respectfully submitted this 29th day of November, 2006.

7
8 /s/ Lenard E. Schwartz

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